| Practitioner's Docket No. P1067 PATENT | |
|---|------------|
| COMBINED DECLARATION AND POWER OF ATTORNEY | |
| (ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL, CONTINUATION, OR C-I-P) | |
| As a below named inventor, I hereby declare that: | |
| TYPE OF DECLARATION | |
| This declaration is of the following type: | |
| (check one applicable item below) | |
| ☑ original. | |
| ☐ design. | |
| NOTE: With the exception of a supplemental oath or declaration submitted in a reissue, a supplemental or declaration is not treated as an amendment under 37 CFR 1.312 (Amendments after allowan M.P.E.P. § 714.16, 7th Edition. | |
| ☐ supplemental. | |
| NOTE: If the declaration is for an International Application being filed as a divisional, continuation continuation-in-part application, do <u>not</u> check next item; check appropriate one of last three item | |
| national stage of PCT. | |
| NOTE: If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISION CONTINUATION OR C-I-P. | AL, |
| NOTE: See 37 C.F.R. § 1.63(d) (continued prosecution application) for use of a prior nonprovisional application declaration in the continuation or divisional application being filed on behalf of the same or fewer the inventors named in the prior application. | |
| ☐ divisional. | |
| ☐ continuation. | |
| NOTE: Where an application discloses and claims subject matter not disclosed in the prior application, continuation or divisional application names an inventor not named in the prior application continuation-in-part application must be filed under 37 C.F.R. § 1.53(b) (application filing requireme—nonprovisional application). | , a |
| ☐ continuation-in-part (C-I-P). | |
| INVENTORSHIP IDENTIFICATION | |
| WARNING: If the inventors are each not the inventors of all the claims, an explanation of the facts, include the ownership of all the claims at the time the last claimed invention was made, should be submitted. | |
| My residence, post office address and citizenship are as stated below, next to my name is believe that I am the original, first and sole inventor (if only one name is listed below) an original, first and joint inventor (if plural names are listed below) of the subject mat that is claimed, and for which a patent is sought on the invention entitled: | or |
| TITLE OF INVENTION | |
| PENETRATING ANTIBIOTIC GEL FOR SOFT TISSUE DISEASES | |
| | - , |
| (Declaration and Power of Attorney [1-1]—page 1 of | f 7) |

SPECIFICATION IDENTIFICATION

| the sne | cification of which: | |
|---------|---|--|
| and ope | | |
| | (complete (a), (b), or (c)) | |
| (a) [5 | is attached hereto. | |
| NOTE: | "The following combinations of information supplied in an oath or declaration filed on ti filing date with a specification are acceptable as minimums for identifying a specification are with any one of the items below will be accepted as complying with the identification of 37 CFR 1.63: | d complianc |
| | "(1) name of inventor(s), and reference to an attached specification which is bot the oath or declaration at the time of execution and submitted with the oath or declar | |
| | "(2) name of inventor(s), and attorney docket number which was on the specific or | ation as filed |
| | "(3) name of inventor(s), and title which was on the specification as filed." | |
| | Natice of July 13, 1995 (1177 O.G. 60). | |
| (b) [| was filed on, as Serial No. 0 / | |
| | and was amended on (if applicable). | |
| NOTE: | Amendments filed after the original papers are deposited with the PTO that contain not accorded a filing date by being referred to in the declaration. Accordingly, the amendment those filed with the application papers or, in the case of a supplemental declaration amendments claiming matter not encompassed in the original statement of invention of 37 C.F.R. § 1.67. | nents involved on, are those or claims. Se |
| NOTE: | "The following combinations of information supplied in an oath or declaration filed after are acceptable as minimums for identifying a specification and compliance with any one below will be accepted as complying with the identification requirement of 37 CFR 1.6 | of the item |
| | "(A) application number (consisting of the series code and the serial number, e.g., | , 08/123,456, |
| | "(B) serial number and filing date; | |
| | "(C) attorney docket number which was on the specification as filed; | |
| | "(D) title which was on the specification as filed and reference to an attached speci is both attached to the oath or declaration at the time of execution and submitted or declaration; or | |
| | "(E) title which was on the specification as filed and accompanied by a cover let identifying the application for which it was intended by either the application numb of the series code and the serial number, e.g., 08/123,456), or serial number and filing any statement(s) to the contrary, it will be presumed that the application filed in the application which the inventor(s) executed by signing the oath or declaration." | er (consisting date. Absen |
| | M.P.E.P. § 601.01(a), 7th Ed. | |
| (c) 🗀 | , filed on | _ and as |
| | amended under PCT Article 19 on (if | any). |

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SUPPLEMENTAL DECLARATION (37 C.F.R. § 1.67(b))

| SOFFEEMENTAL DECLARATION (ST C.F.A. 9 1.67(D)) |
|--|
| (complete the following where a supplemental declaration is being submitted) |
| ☐ I hereby declare that the subject matter of the ☐ attached amendment ☐ amendment filed on |
| was part of my/our invention and was invented before the filing date of the original application, above-identified, for such invention. |
| ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR |
| I hereby state that I have reviewed and understand the contents of the above-identifier specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information, which is material to patentability as |
| defined in 37, Code of Federal Regulations, § 1.56, |
| (also check the following items, if desired) |
| and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would conside it important in deciding whether to allow the application to issue as a patent and |
| in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 C.F.R. § 1.98. |
| PRIORITY CLAIM (35 U.S.C. §§ 119(a)(d)) |
| NOTE: "The claim to priority need be in no special form and may be made by the attorney or agent if the foreign application is referred to in the oath or declaration as required by § 1.63. The claim for priority and the certified copy of the foreign application specified in 35 U.S.C. 119(b) must be filed in the case of an interference (§ 1.630), when necessary to overcome the date of a reference relied upon by the examiner, when specifically required by the examiner, and in all other situations, before the patent is granted. If the claim for priority or the certified copy of the foreign application is filed after the date the issue fee is paid, it must be accompanied by a petition requesting entry and by the fee set forth in § 1.17(i). If the certified copy is not in the English language, a translation need not be filed except in the case of interference; or when necessary to overcome the date of a reference relied upon by the examiner; or when specifically required by the examiner, in which event an English language translation must be filed together with a statement that the translation of the certified copy is accurate." 37 C.F.R. § 1.55(a). |
| I hereby claim foreign priority benefits under Title 35, United States Code, §§ 119(a)–(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed. |
| (complete (d) or (e)) |
| (d) XX no such applications have been filed. |
| (e) ☐ such applications have been filed as follows. |

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed

priority check item (e), enter the details below and make the priority claim.

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PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. \S 119(a)–(d)

| COUNTRY (O INDICATE IF PCT) | 1 | DATE OF FILING (day, month, year) | PRIORITY CLAIMED UNDER 37 USC 119 | |
|-----------------------------------|---|--------------------------------------|--------------------------------------|----------|
| | | | ☐ YES | NO 🗆 |
| | | | ☐ YES | NO 🗆 |
| | | | ☐ YES | NO 🗆 |
| 1 | | | ☐ YES | NO 🗆 |
| | | | ☐ YES | NO 🗆 |
| PROVISIONAL | APPLICATION NUMBER | | FILING D | ATE |
| 60 , 21 | 60 / 214,809 06/28/00 | | | |
| | | | | |
| / | | | | |
| CLA | M FOR BENEFIT OF EARL UNDER 35 U | | ICATION(| (S) |
| · □ | The claim for the benefit of attached ADDED PAGES TO CATTORNEY FOR DIVISIONAL PART (C-I-P) APPLICATION. | OMBINED DECLARA | TION AND | POWER OF |

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| ALL | FOREIGN APPLICATION (6 MONTHS FOR DES | | |
|-----|---------------------------------------|--|--|
| | | | |
| | | | |

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

(list name and registration number)

Todd N. Hathaway 32,991

(check the following item, if applicable)

| 区 | I hereby appoint the practitioner(s) associated with the Customer Number pro- |
|---|---|
| | vided below to prosecute this application and to transact all business in the |
| | Patent and Trademark Office connected therewith. |

Attached, as part of this declaration and power of attorney, is the authorization of the above-named practitioner(s) to accept and follow instructions from my representative(s).

NOTE: "Special care should be taken in continuation or divisional applications to ensure that any change of correspondence address in a prior application is reflected in the continuation or divisional application. For example, where a copy of the oath or declaration from the prior application is submitted for a continuation or divisional application filed under 37 CFR 1.53(b) and the copy of the oath or declaration from the prior application designates an old correspondence address, the Office may not recognize, in the continuation or divisional application, the change of correspondence address made during the prosecution of the prior application. Applicant is required to identify the change of correspondence address in the continuation or divisional application to ensure that communications from the Office are mailed to the current correspondence address. 37 CFR 1.63(d)(4)." § 601.03, M.P.E.P., 7th Edition.

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO: (Name and telephone number)

XX Address

119 N. Commercial St., #620 Bellingham, WA 98225-4437 Todd N. Hathaway Attorney at Law 360/647-1976

<u>08-1254:</u>

(complete the following if applicable)

Since this filing is a
continuation
divisional there is attached hereto a Change of Correspondence Address so that there will be no question as to where the PTO should direct all correspondence.

(Declaration and Power of Attorney [1-1]—page 5 of 7)

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

- NOTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other documents.
- NOTE: Each inventor must be identified by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial, and by his/her residence, post office address and country of citizenship. 37 CFR § 1.63(a)(3).
- NOTE: Inventors may execute separate declarations/oaths provided each declaration/oath sets forth all the inventors. Section 1.63(a)(3) requires that a declaration/oath, inter alia, identify each inventor and

| | tion of separate declarations/oaths which eac 62 Fed. Reg. 53,131, 53,142, October 10, 199 | |
|--------------------------|---|-----------------------|
| Full name of sole or fir | st inventor | |
| DAVID . | M | ALLEN |
| (GIVEN NAME) | INIDDLE INITIAL OR NAME) | FAMILY (OR LAST NAME) |
| Inventor's signature | | |
| Date <u>10/28/01</u> | Country of Citizenship | USA |
| 1 1 | sion Viejo, CA | |
| Post Office Address | ORTHOPÁEDIC SURGERY, | 27871 Medical |
| | uite 110, Mission Viejo, | |
| | EXCEPTION AND ADDRESS. | |
| Full name of second jo | int inventor, if any | |
| (GIVEN NAME) | (MIDDLE INITIAL OR NAME) | FAMILY (OR LAST NAME) |
| Inventor's signature | | |
| Date | Country of Citizenship | |
| Residence | 1 | |
| Post Office Address | | |
| | | |
| | | |
| | • | |
| Full name of third joint | inventor, if any | |
| (GIVEN NAME) | (MIDDLE INITIAL OR NAME) | FAMILY (OR LAST NAME) |
| nventor's signature | | |
| Date | Country of Citizenship | |
| Residence | | |
| Post Office Address | | |

(Declaration and Power of Attorney [1-1]—page 6 of 7)

| | (check proper box(es) for any of the following added page(s) that form a part of this declaration) |
|---|---|
| | Signature for fourth and subsequent joint inventors. Number of pages added |
| | * * * |
| | Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. <i>Number of pages added</i> |
| | * * * |
| | Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added |
| | * * * |
| | Added page for signature by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time. (37 CFR 1.47) |
| | * * * · |
| | Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-I-P) application. |
| | □ Number of pages added |
| | * * * |
| | Authorization of practitioner(s) to accept and follow instructions from representative. |
| | • • • · |
| t | (if no further pages form a part of this Declaration, hen end this Declaration with this page and check the following item) |
| | ightharpoonup This declaration ends with this page. |
| | |

(Declaration and Power of Attorney [1-1]—page 7 of 7)